NOTIFICATION.

Department of Law and Parliamentary Affairs

No. LAW 160 LCR 67, Bangalore, dated 17—18th November 1967.

Ordered that the Income-Tax (Determination of Export Profits) (No. 2) Rules, 1967 published in S. O. No. 3408, dated 18th September 1967, which has been published in the *Gazette of India, Extraordinary* Part-II Section 3, sub-section (ii), dated the 19th September 1967 be republished in the *Mysore Gazette* for general information.

By Order and in the name of the Governor of Mysore,

H. K. Ananthasubba Rao,
Under Secretary to Government,
Department of Law and
157 *Parliamentary Affairs.*

GOVERNMENT OF INDIA

CENTRAL BOARD OF DIRECT TAXES

NOTIFICATION

Income-Tax

New Delhi, the 18th September 1967.

S.O. 3408.—In exercise of the powers conferred by clause (d) of sub section (4) of section 2 of the Finance (No. 2) Act, 1967 (20 of 1967), and in supersession of the Income-tax (Determination of Export Profits) Rules, 1967 published with the Notification of the Government of India in the Ministry of Finance, Central Board of Direct Taxes, No. S. O. 2382 dated the 15th July, 1967 in the *Gazette of India*, Extraordinary Part II—Section 3 (ii) dated the 15th July, 1967, Central Board of Direct Taxes hereby makes the following rules, namely :—

1. **Short title and commencement.**—(1) These Rules may be called the Income-tax (Determination of Export Profits) (No 2) Rules, 1967.

(2) These rules shall be deemed to have come into force on the 1st day of April, 1967.

2. **Computation of qualifying income.**—(1) Where the total income of an assessee referred to in sub-clause (i) of clause (a) of sub-section (4) of section 2 of the Finance (No. 2) Act, 1967 (20 of 1967) includes any profits and gains derived from the export, made before the 6th day of June, 1966, of any goods or merchandise out of India, the amount of such profits and gains in respect of which deduction of income-tax is admissible under the said sub-clause (such profits and gains being hereafter referred to as the qualifying income) shall be computed in accordance with the provisions of sub-rule (2) or sub-rule (3) or sub-rule (4), as the case may be.

(2) Where in the opinion of the Income-tax Officer it is possible to ascertain the profits and gains on such exports, the qualifying income shall be taken to be the amount by which the profits and gains so ascertained in accordance with the provisions of the Income-tax Act, 1961 (43 of 1961), (hereinafter referred to as the Act) and included in the total income exceed the aggregate of the amount of any portion thereof on which income-tax is not payable and the amount in respect of which a deduction of income-tax has been granted under any of the provisions of the Act.

(3) Where in the opinion of the income-tax Officer it is not possible to ascertain the profits and gains on such exports, the qualifying income shall be taken to be amount which bears to the profits and gains of the whole business of which such exports form a part and included in the total income (as reduced by the aggregate of the amount of any portion thereof on which income-tax is not payable and the amount in respect of which a deduction of income-tax has been granted under any of the provisions of the Act), the same proportion as the value of the turnover in respect of such exports bears to the turnover of the business of which such exports form a part.

(4) Where in the opinion of the income-tax Officer a computation of such profits and gains in the manner specified in sub-rule (3) presents exceptional difficulties, the qualifying income shall be taken to be the amount by which such profits and gains as ascertained by the Income-tax Officer on any other resonable basis on the date available and included in the total income exceed the aggregate of the amount of any portion thereof on which income-tax is not payable and the amount in respect of which a deduction of income-tax has been granted under any of the provisions of the Act.

[No. 103/F No.3(17)/67-TPL.]

HARIHAR LAL, Secy.